

SUBCHAPTER XIV—COUNTERING WEAPONS
OF MASS DESTRUCTION OFFICE

Editorial Notes

CODIFICATION

Pub. L. 115-387, §2(a)(1), Dec. 21, 2018, 132 Stat. 5162, substituted “COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE” for “DOMESTIC NUCLEAR DETECTION OFFICE” in subchapter heading.

This subchapter is comprised of title XIX, formerly title XVIII, of Pub. L. 107-296, as added by Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1932, and renumbered title XIX by Pub. L. 110-53, title I, §104(a)(1), Aug. 3, 2007, 121 Stat. 294.

§ 590. Definitions

In this subchapter:

(1) Assistant Secretary

The term “Assistant Secretary” means the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

(2) Intelligence community

The term “intelligence community” has the meaning given such term in section 3003(4) of title 50.

(3) Office

The term “Office” means the Countering Weapons of Mass Destruction Office established under section 591(a) of this title.

(4) Weapon of mass destruction

The term “weapon of mass destruction” has the meaning given the term in section 1801 of title 50.

(Pub. L. 107-296, title XIX, §1900, as added Pub. L. 115-387, §2(a)(2), Dec. 21, 2018, 132 Stat. 5162.)

PART A—COUNTERING WEAPONS OF MASS
DESTRUCTION OFFICE

**§ 591. Countering Weapons of Mass Destruction
Office**

(a) Establishment

There is established in the Department a Countering Weapons of Mass Destruction Office.

(b) Assistant Secretary

The Office shall be headed by an Assistant Secretary for the Countering Weapons of Mass Destruction Office, who shall be appointed by the President.

(c) Responsibilities

The Assistant Secretary shall serve as the Secretary’s principal advisor on—

- (1) weapons of mass destruction matters and strategies; and
- (2) coordinating the efforts of the Department to counter weapons of mass destruction.

(d) Details

The Secretary may request that the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Attorney General, the Nuclear Regulatory Commission, and the heads of other Federal agencies, including elements of the intelligence community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

(e) Termination

The Office shall terminate on the date that is 5 years after December 21, 2018.

(Pub. L. 107-296, title XIX, §1901, as added Pub. L. 115-387, §2(a)(2), Dec. 21, 2018, 132 Stat. 5162.)

Editorial Notes

PRIOR PROVISIONS

A prior section 591, Pub. L. 107-296, title XIX, §1901, formerly title XVIII, §1801, as added Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1932; renumbered title XIX, §1901, Pub. L. 110-53, title I, §104(a)(1), (2), Aug. 3, 2007, 121 Stat. 294, related to establishment of a Domestic Nuclear Detection Office, prior to repeal by Pub. L. 115-387, §2(a)(2), Dec. 21, 2018, 132 Stat. 5162.

Statutory Notes and Related Subsidiaries

REFERENCES AND CONSTRUCTION

Pub. L. 115-387, §2(b), Dec. 21, 2018, 132 Stat. 5166, provided that:

“(1) IN GENERAL.—Any reference in any law, regulation, document, paper, or other record of the United States to—

“(A) the Domestic Nuclear Detection Office shall be deemed to be a reference to the Countering Weapons of Mass Destruction Office; and

“(B) the Director for Domestic Nuclear Detection shall be deemed to be a reference to the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

“(2) CONSTRUCTION.—Sections 1923 through 1927 of the Homeland Security Act of 2002 [6 U.S.C. 592, 593, 594, 596, 596a], as redesignated by subsection (a), shall be construed to cover the chemical and biological responsibilities of the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

“(3) AUTHORITY.—The authority of the Director of the Domestic Nuclear Detection Office to make grants or enter into cooperative agreements is transferred to the Assistant Secretary for the Countering Weapons of Mass Destruction Office, and such authority shall be construed to include grants for all purposes of title XIX of the Homeland Security Act of 2002 [6 U.S.C. 590 et seq.], as amended by this Act.”

DOMESTIC NUCLEAR DETECTION OFFICE AND OFFICE OF
HEALTH AFFAIRS: ABOLISHMENT AND TRANSFER TO
COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

Pub. L. 115-387, §2(e), Dec. 21, 2018, 132 Stat. 5167, provided that:

“(1) TRANSFERS.—The Secretary of Homeland Security shall transfer to—

“(A) the Countering Weapons of Mass Destruction Office all functions, personnel, budget authority, and assets of—

“(i) the Domestic Nuclear Detection Office, as in existence on the day before the date of the enactment of this Act [Dec. 21, 2018]; and

“(ii) the Office of Health Affairs, as in existence on the day before the date of the enactment of this Act, except for the functions, personnel, budget authority, and assets of such office necessary to perform the functions specified in section 710 of the Homeland Security Act of 2002 [6 U.S.C. 350] (relating to workforce health and medical support), as added by this Act; and

“(B) the Management Directorate of the Department of Homeland Security all functions, personnel, budget authority, and assets of the Office of Health Affairs, as in existence on the day before the date of the enactment of this Act, that are necessary to perform the functions of such section 710.

“(2) ABOLISHMENT.—Upon completion of all transfers pursuant to paragraph (1)—

“(A) the Domestic Nuclear Detection Office of the Department of Homeland Security and the Office of

Health Affairs of the Department of Homeland Security are abolished; and

“(B) the positions of Assistant Secretary for Health Affairs and Director for Domestic Nuclear Detection are abolished.”

DEPARTMENT OF HOMELAND SECURITY CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR ACTIVITIES

Pub. L. 115–387, §2(g), Dec. 21, 2018, 132 Stat. 5169, provided that: “Not later than one year after the date of the enactment of this Act [Dec. 21, 2018], and annually thereafter, the Secretary of Homeland Security shall provide a briefing and report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) on—

“(1) the organization and management of the chemical, biological, radiological, and nuclear activities of the Department of Homeland Security, including research and development activities, and the location of each activity under the organizational structure of the Countering Weapons of Mass Destruction Office;

“(2) a comprehensive inventory of chemical, biological, radiological, and nuclear activities, including research and development activities, of the Department of Homeland Security, highlighting areas of collaboration between components, coordination with other agencies, and the effectiveness and accomplishments of consolidated chemical, biological, radiological, and nuclear activities of the Department of Homeland Security, including research and development activities;

“(3) information relating to how the organizational structure of the Countering Weapons of Mass Destruction Office will enhance the development of chemical, biological, radiological, and nuclear priorities and capabilities across the Department of Homeland Security;

“(4) a discussion of any resulting cost savings and efficiencies gained through activities described in paragraphs (1) and (2);

“(5) information on how the Assistant Secretary for the Countering Weapons of Mass Destruction Office is coordinating with the Under Secretary of Science and Technology of the Department of Homeland Security on research and development activities; and

“(6) recommendations for any necessary statutory changes, or, if no statutory changes are necessary, an explanation of why no statutory or organizational changes are necessary.”

PART B—MISSION OF THE OFFICE

§ 591g. Mission of the Office

The Office shall be responsible for coordinating with other Federal efforts and developing a strategy and policy for the Department to plan for, detect, and protect against the importation, possession, storage, transportation, development, or use of unauthorized chemical, biological, radiological, or nuclear materials, devices, or agents in the United States and to protect against an attack using such materials, devices, or agents against the people, territory, or interests of the United States.

(Pub. L. 107–296, title XIX, §1921, as added Pub. L. 115–387, §2(a)(3), Dec. 21, 2018, 132 Stat. 5163.)

§ 591h. Relationship to other Department components and Federal agencies

(a) In general

The authority of the Assistant Secretary under this subchapter shall not affect or diminish the authority or the responsibility of any officer of the Department or any officer of any other Federal agency with respect to the com-

mand, control, or direction of the functions, personnel, funds, assets, or liabilities of any component of the Department or any other Federal agency.

(b) Office for Strategy, Policy, and Plans

Not later than one year after December 21, 2018, the Assistant Secretary shall, in coordination with the Under Secretary for Strategy, Policy, and Plans, submit to the appropriate congressional committees a strategy and implementation plan to direct programs within the Office and to integrate those programs with other programs and activities of the Department.

(c) Federal Emergency Management Agency

Nothing in this subchapter or any other provision of law may be construed to affect or reduce the responsibilities of the Federal Emergency Management Agency or the Administrator of the Agency, including the diversion of any asset, function, or mission of the Agency or the Administrator of the Agency.

(Pub. L. 107–296, title XIX, §1922, as added Pub. L. 115–387, §2(a)(3), Dec. 21, 2018, 132 Stat. 5163.)

§ 592. Responsibilities

(a) Mission

The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

(1) serve as the primary entity of the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

(2) enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

(3) establish, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretary, the Secretary of Defense, the Secretary of Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

(4) develop, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, and the Secretary of Energy, an enhanced global nuclear detection architecture with implementation under which—